

STATE OF NEW YORK

8630--A

2025-2026 Regular Sessions

IN SENATE

December 22, 2025

Introduced by Sens. MAY, ROLISON -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to enacting the "freedom to read act"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "freedom to read act".

3 § 2. The education law is amended by adding a new section 414-a to
4 read as follows:

5 § 414-a. School library materials. 1. (a) Each board of education
6 shall adopt a written policy for the reconsideration of school library
7 materials. Such policy shall explain: (i) how complaints regarding
8 library materials may be submitted; (ii) who is responsible for review-
9 ing complaints; and (iii) how a final decision is made.

10 (b) A policy adopted pursuant to paragraph (a) of this subdivision
11 shall include a general timeline for the review procedure and provide
12 for the creation of a reconsideration committee to review complaints
13 regarding school library materials. Such reconsideration committee shall
14 be composed of at least one of each of the following, and each which
15 shall be affiliated with the relevant school district, and may be a
16 standing committee at the discretion of the district: (i) a certified
17 librarian or library media specialist; (ii) a teacher; (iii) a school
18 administrator; and (iv) a parent or guardian of a current student in
19 such district.

20 (c) A policy adopted pursuant to paragraph (a) of this subdivision
21 shall further provide for a final appeal to the board of education. Such
22 policy shall also provide notice on the right to file appeals to the

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD14305-05-6

1 commissioner pursuant to section three hundred ten of this chapter. All
2 decisions shall follow the school district's written policies and shall
3 not be based solely on disagreement with the ideas, viewpoints, or iden-
4 tities represented in the material. Such policy shall be made available
5 on the school district's website.

6 2. No library material shall be removed, restricted, suppressed, or
7 prohibited if one of the motivating factors is disagreement with the
8 themes, ideas, or viewpoints expressed in it or because of the identi-
9 ties of the author, subject, or characters. Removal or restriction shall
10 comply with the school district's adopted policies and the material
11 shall not be removed from its location within the library and shall
12 remain available to reserve, check out, or access while it is under
13 review.

14 3. Library material may be restricted to age-appropriate grade levels
15 based on developmental standards, but no library material shall be
16 removed, restricted, suppressed, or prohibited unless, as to the oldest
17 grade level served by the library, it meets the standard for obscenity
18 established in Miller v. California, 413 U.S. 15 (1973), specifically
19 that it:

20 (a) primarily appeals to the prurient interest;

21 (b) is patently offensive in its depiction of sexual conduct; and

22 (c) taken as a whole, clearly lacks serious literary, artistic, educa-
23 tional, political, or scientific value.

24 4. No library media specialist or other school employee shall face
25 disciplinary action for selecting, retaining, or recommending library
26 materials in reasonable reliance on the school district's adopted poli-
27 cies. This shall not limit the superintendent's or board of education's
28 general supervisory authority over employees, as long as such super-
29 vision is not based on disagreement with the viewpoints in materials.

30 5. The commissioner, in consultation with the state librarian and
31 other stakeholders, shall promulgate any regulations necessary for the
32 implementation of this section and shall develop one or more model poli-
33 cies for use by school districts and school library systems. Such regu-
34 lations and model policies shall be consistent with and may not diminish
35 or narrow the protections established by this section.

36 6. (a) School library systems, as established pursuant to section two
37 hundred eighty-two of this chapter, shall support school districts in
38 implementing this section, including assistance in adopting policies or
39 tailoring model policies consistent with this section and providing
40 continuing education and professional development to school librarians,
41 administrators, and district leaders regarding statutory obligations
42 governing school library materials.

43 (b) School library systems may provide guidance, training, or profes-
44 sional development to assist school districts and school personnel in
45 implementing this section, consistent with existing programs, resources,
46 and offerings.

47 § 3. This act shall take effect on the first of July next succeeding
48 the date on which it shall have become a law. Effective immediately, the
49 addition, amendment and/or repeal of any rule or regulation necessary
50 for the implementation of this act on its effective date are authorized
51 to be made and completed on or before such effective date.